In the High Court of Punjab and Haryana at Chandigarh

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Date of decision: 15.1.2007

Haryana Viduat Parasaran Nigam Limited,Sonepat .. Appellants

Versus

M/s B.M.Industries, Delhi Road,Sonepat ..Respondents

Coram: Hon'ble Mr.Justice S.S.Saron

Present: Mr.K.S.Malik,Advocate
for the Appellant
Mr.Vivek Singla,Advocate
for the respondent

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S.S.Saron,J(Oral)

Heard learned counsel for the parties.

The plaintiff-respondent has two electric meters i.e.,SC-3-92 having a load of 18.79 K.W. and another meter SC-3-76 with a load of 7 K.W. In this manner, the plaintiff-respondent admittedly had a load capacity of 25.79 K.W. A raid was conducted on 20.3.1999 by the appellant- HVPNL, Sonepat (for short 'Nigam'), at the industrial premises of the plaintiff-respondent. It was found connected with a load of 24.98 KWs, whereas its sanctioned load according to the appellant- Nigam was 18.79 KWs. The learned courts below have recorded a finding of fact that this was the load of one of the electric meters and the other electric meter was not taken into account. In fact, O.P. Allahabadi,A.E.E. appeared as DW1 on behalf of the appellant- Nigam. He had headed the raiding party, which conducted the raid on 20.3.1999 at the industry of the plaintiff. In his deposition, he admitted in his cross-examination that he did not know that there were two meters in the premises of the plaintiff. He also deposed that he did not know what was the load of the second meter,i.e.,SC-3-76 and that he only inspected the meter SC-3-92. Besides, it has come on record that after the raid and checking that was done on 20.3.1999, notice was served on the plaintiff-company on 23.3.1999 asking it to deposit a sum of Rs.1,06,120.54 as penalty by 24.3.1999 up to 5 .00 P.M.

In the circumstances and in view of the concurrent findings of facts recorded by both the courts below, no interference in the second appeal is called for. Consequently, the appeal is dismissed.

January 15,2007 (S.S.SARON)
nk JUDGE